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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/815,441	03/22/2001	David Arthur Eatough	42390P11037	5228

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EXAMINER

GANDHI, DIPAKKUMAR B

ART UNIT

PAPER NUMBER

2133

DATE MAILED: 08/10/2004

14

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/815,441

Applicant(s)

EATOUGH ET AL.

Examiner

Dipakkumar Gandhi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 10-12, 14 and 15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1 is/are allowed.
- 6) ☒ Claim(s) 10-12, 14 and 15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

Response to Amendment

1. Applicants' Amendment C filed on 6/21/2004 has been entered.
2. Applicants' arguments with respect to amended claims 10, 11, 12, 14 and 15 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claim 10 is rejected under 35 U.S.C. 102(e) as being anticipated by Schoettger (US 2002/0069366 A1).

Schoettger anticipates claim 10.

Schoettger teaches a method to perform customized error handling, comprising: intercepting a message that has been sent to a display (page 4, paragraph 28, Schoettger); searching the message (page 4, paragraph 29, Schoettger); detecting a first error message in the message; retrieving a second error message corresponding to the first error message; and sending the second error message to the display (page 4, paragraph 30, Schoettger).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. Claims 11, 12, 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schoettger (US 2002/0069366 A1) in view of Miksovsky et al. (US 6,526,529 B1).

As per claim 11, Schoettger substantially teach the claimed invention described in claim 10 (as rejected above).

However Schoettger does not explicitly teach the specific use of the method wherein the retrieving comprises retrieving the second error message using the first error message.

Miksovsky et al. in an analogous art teach that any time an error message is to be displayed, an error handling mechanism compares identifier information of the error message to the file of updated error messages, and if a match is found, overwrites or extends the existing error message that was shipped with the code for display to the user (abstract, Miksovsky et al.).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Schoettger's patent with the teachings of Miksovsky et al. by including an additional step of using the method wherein the retrieving comprises retrieving the second error message using the first error message.

This modification would have been obvious to one of ordinary skill in the art, at the time the invention was made, because one of ordinary skill in the art would have recognized that using the method wherein the retrieving comprises retrieving the second error message using the first error message would provide the opportunity to provide the latest known information for the error message to the user and provide certain identifying information for the purpose of assisting product support personnel in resolving user problems.

- As per claim 12, Schoettger and Miksovsky et al. teach the additional limitations.

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Schoettger teaches intercepting a message that has been sent to a display (page 4, paragraph 28, Schoettger); searching the message (page 4, paragraph 29, Schoettger); detecting a first error message in the message; retrieving a second error message corresponding to the first error message; and sending the second error message to the display (page 4, paragraph 30, Schoettger).

Miksovsky et al. teach an article comprising: a storage medium, the storage medium including stored instructions that are executed by a processor (col. 12, lines 60-61, Miksovsky et al.).

- As per claim 14, Schoettger and Miksovsky et al. teach the additional limitations.

Miksovsky et al. teach the article wherein the stored instructions, when executed by a processor, further result in terminating the first error message (col. 12, lines 25-26, Miksovsky et al.).

8. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schoettger (US 2002/0069366 A1) and Miksovsky et al. (US 6,526,529 B1) as applied to claim 12 above, and further in view of Ganugapati (US 2002/0114438 A1).

As per claim 15, Schoettger and Miksovsky et al. substantially teach the claimed invention described in claim 12 (as rejected above). Miksovsky et al. also teach the article, wherein the stored instructions, when executed by a processor, further result in retrieving a second error message by searching using the first error message (col. 12, lines 19-20, lines 59-61, Miksovsky et al.) and retrieving the second error message corresponding to the first error message (figure 3, col. 2, lines 3-9, Miksovsky et al.).

However Schoettger and Miksovsky et al. do not explicitly teach the specific use of a translation table. Ganugapati in an analogous art teaches that referring to FIG. 4, interactive announcement translation table 35 contains codes 41 and announcement messages 42 used by PPBS system 20 to guide users during data access, or to indicate error conditions. Error conditions occur, for example, when an invalid option is entered or when the assigned database is full (figure 4, page 2, paragraph 24, Ganugapati).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Miksovsky et al.'s patent with the teachings of Ganugapati by including an additional step of using a translation table.

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This modification would have been obvious to one of ordinary skill in the art, at the time the invention was made, because one of ordinary skill in the art would have recognized that using a translation table would provide the opportunity to find an updated error message corresponding to the existing error message.

Allowable Subject Matter

9. Claim 1 is allowable over the prior art of record.

10. The following is an examiner's statement of reasons for allowance:

The present invention pertains a method and apparatus to perform customized error handling.

The claimed invention (claim 1) recites features such as "...analyzing an application program prior to execution; in response to the analyzing of the application program, detecting a sub-sequence of the application program that, when executed, will cause a first error message to be displayed; and prior to execution of the application program, overwriting the sub-sequence of the application program with new instructions that, when executed, will cause a second error message to be displayed".

The prior arts of record (Miksovsky et al. US 6,526,529 B1 is an example of such prior arts) teach a system and method for dynamically updating the error messages of a shipped software product. The existing, typically generic error messages shipped with a software product are replaced or appended as errors are resolved or better understood (col. 1, lines 63-67, Miksovsky et al.). The prior arts, however do not teach analyzing an application program prior to execution and in response to the analyzing of the application program, detecting a sub-sequence of the application program that, when executed, will cause a first error message to be displayed as recited in claim 1. The prior arts also do not teach overwriting the sub-sequence of the application program with new instructions, that, when executed, will cause a second error message to be displayed as recited in claim 1. Hence, the prior arts of record do not anticipate nor render obvious the claimed inventions. Thus, claim 1 is allowable over the prior arts of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

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fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

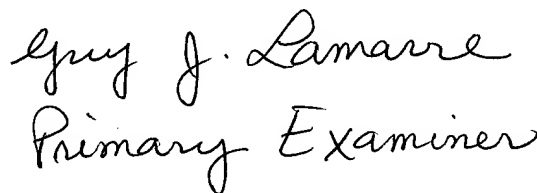
11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dipakkumar Gandhi whose telephone number is 703-305-7853. The examiner can normally be reached on 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Albert Decady can be reached on (703) 305-9595. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Dipakkumar Gandhi
Patent Examiner



Primary Examiner